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January 13, 2023

Via ECF:

The Honorable Steven Tiscione, U.S.D.J.
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: **Vilorio, et al v. Deva Holdings, LLC., et al**
Civil Docket No.: 20-cv-5389 (HG)(ST)

Dear Judge Tiscione:

We represent the Plaintiffs in this FLSA action, and we respectfully submit this joint status report, together with counsel for the Defendants, pursuant to Your Honor's November 10, 2022 Order. *See* Dkt. No. 28.

On November 10, 2022, the parties attended an in-person settlement conference, at which a resolution could not be reached. While the parties have held subsequent settlement discussions, to date, the same impediments to settlement which were present at the parties' in-person settlement conference remain.

Counsel for the Defendants, Deva Little Neck Inc. d/b/a Toskana Pizzeria Restaurant ("Toskana"), and Jeffrey Deva, as an individual ("Mr. Deva"), has explained to us the Defendants' current financial situation and the issues that he is currently facing – including tax-related matters – and how he expects to have further clarity regarding his financial status within the next 60 days.

According to Defendants' counsel, based on the foregoing, the Defendants will need an additional two months in order to evaluate Defendants' position at that time, at which point any potential settlement would be more feasible for the Defendants.

Simultaneously, the parties agree that during the upcoming two months, the parties will continue their settlement discussions and Defendants will make additional financial disclosures available for Plaintiffs' review.

As such, parties respectfully request a two (2) month extension of time to continue their settlement discussions and hash out any remaining discovery issues, and the parties propose filing

two (2) further status reports with the Court – one within a month of the date this letter, and a second in two months – to apprise the Court of the above issues and the parties’ progress on them.

We thank Your Honor for his kind consideration on this matter, and we remain available to provide any additional information.

Respectfully submitted,

Roman Avshalumov
Roman Avshalumov, Esq.

CC: counsel of record for Defendants via Email & ECF:

Kenneth K. Ho, Esq.

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